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December 27, 2005

VIA ELECTRONIC FILING

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 700
Washington, DC 20423-0001

Re: **Finance Docket No. 34125 (Sub-No. 1)**
South Dakota Railroad Authority – Acquisition and Operation
Modification Exemption – BNSF Railway Company

Dear Secretary Williams:

On November 29, 2005, the South Dakota Department of Transportation, successor-in-interest to the South Dakota Railroad Authority ("SDDOT") filed in the above-captioned proceeding a verified notice of exemption pursuant to 49 C.F.R. § 1180.2(d)(7) to amend existing trackage rights. Notice of the proposed transaction was served and published in the *Federal Register* on December 19, 2005. A petition to stay the proposed transaction was denied by decision served December 5, 2005, and SDDOT's exemption became effective on December 6, 2005.

SDDOT hereby advises the Board that it consummated the proposed transaction on December 27, 2005.

Respectfully submitted,



Myles L. Tobin
Attorney for South Dakota
Department of Transportation

MLT: arw
Enclosures.
cc: Adrian L. Steel, Jr., Esq.